

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

ZACHARY BUCHHOLZ and JESSICA
HERNANDEZ, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

GOURMET SUBS OF CHARLOTTE, LLC,

Defendant.

Case No. 3:17-cv-00231-MOC-DCK

Honorable Max O. Cogburn, Jr.
Mag. Judge David Keesler

JOINT MOTION FOR ORDER APPROVING SETTLEMENT AND DISMISSING CASE

Plaintiff Jessica Hernandez (“Plaintiff”) and Defendant Gourmet Subs of Charlotte, LLC (“Defendant”), by and through their undersigned counsel, submit this Joint Motion for Order Approving Settlement and Dismissing Case. In support of this Motion, the parties state as follows:

1. Plaintiffs alleged Defendant failed to pay Plaintiff and other similarly situated employees overtime in violation of the Fair Labor Standards Act (the “FLSA”), 29 U.S.C. § 216(b). Defendant denied Plaintiffs’ allegations.
2. Counsel for Plaintiffs and Defendant are experienced attorneys with significant FLSA collective action experience. After Defendant stipulated to conditional certification and notice of a collective action under the FLSA, they exchanged written discovery. The parties engaged in protracted and heated negotiations over the merits of the claims and defenses and Plaintiffs’ alleged damages in the case, finally reaching a settlement agreement in October 2018 pursuant to which each Plaintiff receives a specified payment amount based on the damages and merits of each Plaintiff’s claim, including consideration of the applicable statute of limitations.

3. All Named and Opt-In Plaintiffs reviewed the settlement terms in this case and discussed it with counsel prior to executing the Settlement Agreement and Release of Claims (attached to this Motion as **Exhibit A**).
4. The Settlement Agreement and Release of Claims is a fair, adequate, and a reasonable compromise of a dispute under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. (the “FLSA”).
5. The parties request that the court approve the settlement terms and dismiss Plaintiffs’ claims with prejudice, without cost, interest or attorneys’ fees to any party except as specifically set forth in the Settlement Agreement and Release of Claims.
6. The parties stipulate to the proposed Order Approving Settlement and Dismissing Case (being submitted to CyberClerk).

WHEREFORE, the parties respectfully request the Court sign and enter the parties’ proposed Order Approving Settlement and Dismissing Case.

Respectfully submitted this 14th day of November, 2018.

/s/ Sarah Sloan Batson

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Attorneys for Defendant

Dated: November 14, 2018

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Attorneys for Plaintiff

Dated: November 14, 2018

CERTIFICATE OF SERVICE

I hereby attest that on November 14, 2018, I filed a copy of the foregoing with the Court, which will provide electronic notice to all counsel of record.

Dated: November 14, 2018

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